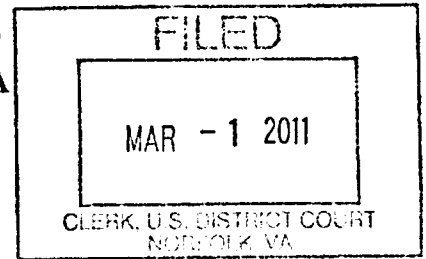


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**



**DEBORAH A. DEL ROSSI,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 2:10cv263**

**SOCIAL SECURITY,  
DISABILITY ADMINISTRATION,**

**Defendant.**

***ORDER***

This matter stems from Plaintiff Deborah A. Del Rossi's ("Plaintiff") action seeking judicial review of the final decision of the Social Security, Disability Administration denying Plaintiff's claim for disability benefits pursuant to 42 U.S.C. § 405(g), filed on June 4, 2010. Before the Court is Defendant Social Security, Disability Administration's ("Defendant") Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 41(b).

On August 6, 2010, this matter was referred to United States Magistrate Judge Tommy E. Miller ("Magistrate Judge Miller"), pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of the United States District Court for the Eastern District of Virginia, for a report and recommendation. On September 7, 2007, Magistrate Judge Miller ordered Plaintiff to file a Motion for Summary Judgment with a supporting Memorandum of Law by October 7, 2010. Plaintiff failed to file her Motion for Summary Judgment before the deadline imposed by the Court and Defendant filed a Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 41(b) on October 14, 2010. October 27, 2010, Plaintiff filed a Motion for

Extension of Time to File the Motion for Summary Judgment, requesting a ninety (90) day extension in which to file her Motion. In an Order dated November 19, 2010, Magistrate Judge Miller granted Plaintiff's Motion, extending Plaintiff's time to file a Motion for Summary Judgment to January 5, 2011. However, Plaintiff failed to file her Motion for Summary Judgment by the January 5 deadline and has not filed any further documentation with the Court.

On January 26, 2011, Magistrate Judge Miller filed his report recommending that the Defendant's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(b) be **GRANTED** and that Plaintiff's Complaint be **DISMISSED**. The Report also advised the parties of their right to file written objections to the findings and recommendations made by the Magistrate Judge. The clerk mailed all of the parties copies of the Report. The Court has received no objections to the report and the time for filing the same has expired.

The Court does hereby **ACCEPT** and **ADOPT** the findings and recommendations set forth in the report of the United States Magistrate Judge filed January 26, 2011, and it is, therefore **ORDERED** that Defendant's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(b) is **GRANTED**, and Plaintiff's case is **DISMISSED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the parties.

**IT IS SO ORDERED.**

Norfolk, Virginia  
March 1, 2011

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Raymond A. Jackson  
United States District Judge